REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 1,

5, 9, 12, 14-16 and 23 have been amended. Claims 13, 17-22 and 26-30 have been cancelled

without prejudice. No new claims have been added. Therefore, claims 1-12, 14-16 and 23-25

are presented for examination.

35 U.S.C. § 101 Rejection

Claims 23-25 are rejected under 35 U.S.C. §102(b) because the claimed invention is

directed to non-statutory subject matter.

Claim 23 has been amended. Accordingly, Applicant respectfully requests the

withdrawal of the rejection of claim 23 and its dependent claims.

35 U.S.C. § 103 Rejection

Claims 1-3, 5-9, 11-12, 14-16 and 23-24 stand rejected under 35 U.S.C. §103(a) as being

unpatentable over Palmer, U.S. Patent No. 5,905,865 ("Palmer") in view of Lu, U.S. Patent

Publication No. 2002/0010919 ("Lu") in view of Palmer and in further of Freeman, U.S. Patent

Publication No. 2002/0188943 ("Freeman").

Claim 1, as amended, recites:

A method comprising:
inserting a live broadcast-related trigger code into a live broadcast program while
    the live broadcast program is being broadcast, the trigger code
    corresponding to web content, the web content relating to content of the
    broadcast program, the trigger code including one or more of audio tone
    sequences and video motion sequences specific to the live broadcast
    program;
detecting the trigger code while the live broadcast program is being broadcast;
automatically displaying a website having the web content upon detection of the
    trigger code, wherein the website is displayed simultaneously while the
    live broadcast program is being broadcast; and
terminating the displaying of the website upon an occurrence of one or more of
    detection of another trigger code and expiration of a predetermined time
    period assigned to the website.

(emphasis added)

As an initial matter, Applicant respectfully disagrees with the Examiner's characterization of the cited references and the pending claims. Palmer discloses connecting a computer to electronic addresses in sync with an audio/video broadcast and automatically accessing one-line services in response to broadcast of on-line addresses (Abstract). Palmer further discloses in the sections referenced by the Examiner "the *URL may be stored in the vertical blanking interval of a television broadcast or sent on the video broadcast's carrier signal much like closed-captioning*. Just as closed-captioning is extracted from the signal as an alpha-numeric message, so may the URL be extracted by receiver and provided to the computer." (col. 8, lines 13-19; emphasis added). Palmer further discloses the "*every time a commercial is shown on television, a URL associated with that advertiser's website is simultaneously sent from tower to receiver . . .* The *tower then sends out the address of a different website when the next commercial begins.*" (col. 5, lines 24-29; emphasis added). Neither in any of the sections referenced by the Examiner nor elsewhere does Palmer teach or reasonably suggest "a **live** broadcast-related trigger code into a **live** broadcast program while the **live** broadcast program is being broadcast . . . detecting the trigger code while the **live** broadcast program is being broadcast . . . wherein the website is displayed simultaneously while the **live** broadcast program is being broadcast" as recited by claim 1 (emphasis added). First, merely a broadcast **is not** a live broadcast, as recited by claim 1. Second, Palmer discloses *sending a URL every time a commercial is shown . . . [or] when the next commercial begins.* This is **not the same** as displaying the website **simultaneously** while the live broadcast program is being broadcast, as recited by claim 1.

The Examiner relies on Freeman to make up for the deficiency of Palmer. The Examiner is relying on improper hindsight and motivation. Freeman (filed, April 19, 2002) provides

"digital interaction system" that would leave Palmer (filed, Oct. 30, 1996) inoperable. For example, as described previously, the *sending a URL every time a commercial is shown . . . [or] when the next commercial begins* when combined with the digital interaction system of Freeman to provide enhanced interactivity would leave Palmer inoperable. Hence, the prima facie case of obviousness has not been established by combining Freeman with Palmer as there is no motivation to combine the two references.

Furthermore, Freeman discloses "[i]nteractivity is further enhanced in the digital interactive embodiments through the application of trigger points scattered at various predetermined times throughout the program . . . [the] trigger points correspond to times when interactive events are scheduled to take place during the live sporting event . . . [f]or example, when a viewer's favorite baseball player is at bat, graphics showing past or current performance statistics of the player can be *overlaid on the screen* . . . ." (col. 8, paragraph 122; emphasis added) Freeman discloses enhanced interactivity by *overlaying scheduled information on the screen*, i.e., displaying *scheduled information* the *same screen of the same device*. This is **not the same** as displaying the website simultaneously while the live broadcast program is being broadcast as recited by claim 1. Hence, not only Freeman is not combinable with Palmer, it does not make up for the deficiencies of Palmer. Hence, Palmer, Freeman, and Lu, neither individually nor when combined, teach or reasonably suggest the features of claim 1.

Furthermore, claim 1, as amended, in pertinent part, recites "terminating the displaying of the website upon an occurrence of one or more of detection of another trigger code and expiration of a predetermined time period assigned to the website." (emphasis added). Palmer, Freeman, and Lu neither individually not when combined teach or reasonably suggest this feature of claim 1. Accordingly, for at least the reasons set forth above, Applicant respectfully requests the withdrawal of the rejection of claim1 and its dependent claims.

Claims 5, 9, 12 and 23 contain limitations similar to those of claim 1. Accordingly, Applicant respectfully request the withdrawal of the rejection of claims 5, 9, 12 and 23 and their dependent claims.

Claims 4 and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Palmer in view of Lu and further in view of Freeman and in further view of Dunki-Jacobs, U.S. Patent No. 6,112,053, ("Dunki-Jacobs").

Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Palmer in view of Lu and further in view of Freeman, Haitsuka, U.S. Patent Publication No. 2005/0192867, ("Haitsuka") and Augenbraun, U.S. Patent Publication No. 2005/0149981, ("Augenbraun").

Claims 4, 10 and 25 depend from one of claims 1, 9 and 23 and thus include all the limitations of their corresponding base claim. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 4, 10 and 25.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.
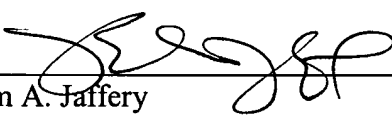
Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: September 26, 2006

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